## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

EZEKIAL DINGLE, :

Petitioner,

:

v. : No. 5:17-cr-00392

:

UNITED STATES OF AMERICA, :

Respondent.

## <u>ORDER</u>

**AND NOW**, this 12<sup>th</sup> day of May, 2022, for the reasons set forth in the Opinion issued this date, **IT IS ORDERED THAT**:

- 1. The Rule 60 motion, ECF No. 29, is **DISMISSED**.
- 2. There is no basis for a certificate of appealability ("COA"). <sup>1</sup>

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge

Although the motion is not construed pursuant to 28 U.S.C. § 2255, there would be no basis for a certificate of appealability if it were so construed. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).